

1 DEAN J. ZIPSER (CA SBN 94680)
2 (DZipser@mofo.com)
3 ADINA L. WITZLING (CA SBN 211719)
4 (AWitzling@mofo.com)
5 MORRISON & FOERSTER LLP
19900 MacArthur Blvd., 12th Floor
Irvine, California 92612-2445
Telephone: 949.251.7500
Facsimile: 949.251.0900

6 Attorneys for Defendant
7 TOSHIBA AMERICA INFORMATION SYSTEMS,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SIMON, individually, and on behalf of all others similarly situated.

14 Plaintiffs,

15 v.

16 TOSHIBA AMERICA, INC., a Delaware
17 corporation, and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., a
California corporation,

Defendants.

Case No. C07-06202 MHP

**JOINT STIPULATION TO
CONTINUE LITIGATION
DEADLINES; [PROPOSED]
ORDER THEREON**

Honorable Marilyn H. Patel
Courtroom 15

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America
2 Information Systems, Inc. ("TAIS") are continuing to explore the possibility of an
3 early resolution of this matter;

4 WHEREAS, consistent with those efforts, the parties have conducted an in-
5 person meeting and have continued those discussions and informally exchanged
6 information;

7 WHEREAS, the parties intend to continue those efforts over the next several
8 weeks, and in that spirit, have scheduled another in-person meeting for May 6;

9 WHEREAS, pursuant to Local Rule 6-1(a), the parties previously agreed that
10 the deadline for TAIS to file and serve its initial response to the First Amended
11 Complaint would be May 1, 2008;

12 WHEREAS, given and to facilitate the parties' ongoing settlement
13 efforts, the parties desire to briefly stay the litigation activity in this case and
14 further continue TAIS's deadline to respond to the Complaint for approximately
15 three weeks;

16 WHEREAS, if the parties are able to make progress towards reaching an
17 early resolution of this action, they may seek to further extend the litigation
18 deadlines, subject to Court approval,

19 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
20 STIPULATED AND AGREED by and between plaintiff, on the one hand, and
21 TAIS, on the other hand, by and through their respective undersigned counsel, as
22 follows:

23 1. The deadline for TAIS to file and serve its initial response to the First
24 Amended Complaint shall be extended to and including May 22, 2008;

25 2. The Initial Case Management Conference, scheduled for June 2, 2008,
26 at 4:00 p.m., shall also be continued approximately three weeks, subject to the
27 Court's availability;

28

1 3. This Stipulation may be executed in counterparts, each of which shall
2 be deemed an original, but both of which, when taken together, shall constitute one
3 and the same instrument. Executed signature pages of this Stipulation transmitted
4 by facsimile shall be accepted by the parties hereto and the Court as though they
5 were original signature pages.

6

7 Dated: April 30, 2008

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

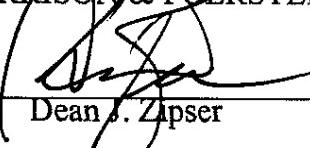
25

26

27

28

DEAN J. ZIPSER
ANNETTE R. CARNEGIE
ADINA L. WITZLING
MORRISON & FOERSTER LLP

By: 

Dean J. Zipser

Attorneys for defendant
Toshiba America Information
Systems, Inc.

STUART C. TALLEY
KERSHAW, CUTTER & RATINOFF LLP

MARK J. TAMBLYN
WEXLER TORISEVA WALLACE LLP

By: 

Stuart C. Talley

Attorneys for Plaintiff
Michael Simon

ORDER

Based on the foregoing stipulation of the parties and good cause appearing therefor:

1. The deadline for TAIS to file and serve its initial response to the Complaint shall be extended to and including May 22, 2008;
 2. The Initial Case Management Conference shall be continued to July 7, 2008 at 4:00 p.m., with a joint CMC statement due one week prior.

IT IS SO ORDERED.

Dated: 4/30 , 2008

